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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please

PAKISTAN: The violence against women is continue to be rampant in spite of progressive laws

1. Despite some pro-women laws introduced by the previous Pakistan Peoples' Party (PPP) government, there is no rest or respite in the chronic oppression against women in Pakistan. The true implementation of these laws in letter and spirit still remains a real challenge for the state, law and justice departments. Women are facing spectacularly high rates of discrimination and multiple forms of violence. Crimes like honor killings, rape, acid throwing, forced conversion to Islam, forced marriages, custodial torture, trafficking, domestic violence, dowry violence, abduction, forced prostitution and incest go unchecked in the country. Over 10,000 women reportedly faced different forms of violence in 2013. It is a mockery of the laws, termed as pro-women.

2. Hundreds of cases of killings/murders of women were reported in Pakistan from January 2013 to the end of April 2014. Besides these cases, 3,576 rape cases were reported from Punjab province alone during the same period while 921 women were killed in the name of honour. Around 191 were reported slain for marrying the husband of their own choice and going against their families' wishes.

3. At least 81 women were killed solely for giving birth to a girl child and more than 900 women committed suicide. There were also 105 acid attacks targeting women, 700 cases of domestic violence, and 401 cases of gang rape were also reported.

4. Minor girls and adult women remain vulnerable to the risk of abduction and sexual assault while rapists find impunity through both common and Shariah law. Across Pakistan, individuals as well as gangs and other types of groups resort to raping innocent girls and women for an array of reasons: pure lust, revenge due to alleged tribe or family offences, to avenge a rejected marriage proposal, for religious and ethnic reasons, or simply to satisfy their predatory desire as a way to exert unadulterated brutality and power. The scientifically unfounded belief that sexual intercourse with a virgin exempts the attacker from the risk of contracting the HIV virus or that it can even cure an already diagnosed infection, exposes minor girls and unmarried young women to even greater risks of sexual abuse, adding unremitting horror to the social stigma.

5. A large number of crimes against women usually unfortunately remain unreported. However, even in the case of reported crimes, the perpetrators easily manage to wriggle out from the loose grip of the law and escape punishment due to serious systemic flaws such as the absence of the rule of law, the lacunas in the implementation of the existing legislation, the widespread corruption, the insufficient political will and profound institutional incompetence, whereby the lack of a fair and equitable treatment before the law for everybody, combined with the structural bias against women make the criminal justice system acutely gender biased and discriminatory. Those women who, according to the most traditional and conservative precepts, 'dare' to report violence and other crimes committed against them, not only encounter a series of bureaucratic difficulties in the process of their legal wrangling, but even face humiliation at the hands of police, medico-legal staff and the courts at different levels. Recently, there have been reports concerning incidents where women complainants decided to take the most severe forms of protest in order to receive the deserved attention, such as setting themselves on fire against the biased and disrespectful attitudes openly shown against them by the police.

6. In fact, given the prevalence of gender biased attitudes among police officials, a large number of women who want to lodge complaint are turned away from police stations and in many cases they are tortured, abused and raped. Women victims of domestic violence encounter even higher levels of unresponsiveness and hostility by police, as well as by other actors at all levels of the criminal justice system. Since issues pertaining to the family sphere continue to be largely perceived as "private matters", Pakistan is still lacking in the legislation of a specific law against domestic violence (which mainly includes verbal offence, isolation and reclusion within the domestic walls, restriction of several rights such as financial independence and freedom of thought, forced sexual intercourse and marital rape, battering and other forms of physical beating). Police officers pressure for 'reconciliation' among concerned parties rather than filing a report and arresting the perpetrator (often these are abusive husbands but can also include in-laws, siblings and other akin relatives).

7. Countless medico-legal staff throughout the entire country are corrupt and feel no shame in altering facts and distorting medical reports in favor of powerful and often influential perpetrators. In the courtrooms lawyers leave no stone unturned to shatter the victim's sense of self-respect by asking awkward questions regarding the virginity status and past sexual history. The judicial system, particularly the lower judiciary, has strong proclivity to sexist assumptions about women. Judges allow defense counsels to openly insult the victims' characters and make sly insinuations about their costumes and behavior, especially in relation to their sexual preferences and habits. The entire criminal justice system routinely ignores the real causes behind many complaints and underestimates the consequences of gender biased attitudes, which allow all forms of violence against women to continue to occur with large acceptance and enormous impunity.

8. Horrid social customs and centuries-old patriarchal traditions coupled with religious norms also have devastating effects on women in Pakistan. Anti-women traditions like *sawara, wani, sang chati, paitlikkhi* and *watta satta,(all these customs are for gifting girls, or forced marriages of the girls to resolve conflicts and feuds)* still go unchecked in many parts of Pakistan, particularly in the rural Sindh, Balochistan, Punjab, and the country's northwestern tribal areas. The situation suggests the inability to enforce the rule of law, leaving matters in the hands of tribesmen and local elders.

9. Despite the high magnitude and severity of cases of violence against women, several state agencies have proved themselves indifferently unsympathetic to the problem, leaving women at the mercy of their fate. Pakistan is obliged by its ratification of international treaties like the Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to take action to eliminate all forms of violence against women.

10. Pakistan appears unable to relieve itself from the constant pressure received by the Council of Islamic Ideology (CII). Such council is an anti-women force, headed by hard line clergies and Islamists with track records of denying and resisting pro-women legislation. In line with the Taliban agenda, this body is bent upon stopping and snatching the rights and freedoms, whatsoever, that the women of Pakistan have secured so far through their struggle. This body has recently declared a bar on the second marriage of a man in the presence of his first wife, defining it as against religious principles. However, the existing laws require a man to have written approval from his existing wife for a second marriage. Similarly the CII is also promoting the culture of girl brides by saying that the laws limiting the age of marriage are un-Islamic. Earlier it rejected the proposals of accepting DNA testing in rape cases. The Domestic Violence Bill 2010 unanimously passed by the National Assembly, was shelved in the Senate due to the opposition by CII.

Recommendations:

- Access to justice for women in Pakistan cannot remain only confined to the access to courts or tribunals since justice should entail ensuring legal and judicial outcomes as just, transparent and equitable.

- All laws pertaining to violence against women need to be implemented through a coordinated response. Lawyers, police and members of the judiciary require proper gender sensitisation and professional orientation on pro-women laws. Police need understanding, awareness and training to minimise gender biases in their responses to cases of violence against women.

- The Government of Pakistan must criminalize Domestic Violence. Family violence cases should not be treated as "private problems".

- A comprehensive legislation against Acid Violence is needed to criminalize such heinous acts and provide justice, protection and rehabilitation services to survivors fighting their cases.

- Universal human rights, equality and the right to justice for all need to be extensively accepted and recognized, particularly in rural and tribal areas where especially cases of violence against women are often dealt with through improper and illegal courts, usually referred to Jirga Systems (private parallel judiciary systems). The Asian Legal Resource Centre calls upon the Government of Pakistan to abolish these in favour of good local power structures/systems that do not promote anti women judgments and discrimination.

- Women related legislation should recognize the principles of equality and rights specified in the constitution and the international commitments to which the State is a signatory and not be based on any biases, discrimination or patriarchal beliefs or values.

- The Council of Islamic Ideology (CII) is nothing but a bunch of dogmatic and fundamentalist religious bigots who refuse to accept reason and logic and are blind to the realities of the modern world. In the presence of the elected Parliament, there is no room for such a parallel advisory body in the constitution. The CII is an unnecessary body which must be abolished.

- The widespread and detrimental practice of early marriages needs to be monitored and stopped. The three provinces of Punjab, KPK, and Balochistan must follow Sindh and introduce a comprehensive legislation against child marriages with enhanced punishments for both the parents who precociously marry off their daughters against their will and those men who despicably seek minor girls as wives.